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MT LEGISLATIVE HISTORY

Chapter 662 1991

Bill H _____ S 362 Original bill & hist. ___C

H. Committee on Fish & Game		S. Committee on Fish, Wildlife & Parks	
Hearing Date(s) Mar 18	✓ C	Hearing Date(s) Feb 21	✓ C
Mar 22	✓ C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Mar 22	✓ C	Feb 22	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SB 361 INTRODUCED BY THAYER, ET AL.

REVISE AIRPORT AUTHORITY ACT

2/12	INTRODUCED		
2/12	FISCAL NOTE REQUESTED		
2/13	FIRST READING		
2/13	REFERRED TO BUSINESS & INDUSTRY		
2/18	FISCAL NOTE RECEIVED		
2/19	HEARING		
2/19	FISCAL NOTE PRINTED		
2/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	47	0
2/25	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO JUDICIARY		
3/13	HEARING		
3/14	TABLED IN COMMITTEE		

SB 362 INTRODUCED BY GROSFIELD, ET AL.

CREATE PARK RANGERS AND ESTABLISH THEIR POWERS AND DUTIES

BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, & PARKS

2/12	INTRODUCED		
2/13	FIRST READING		
2/13	REFERRED TO FISH & GAME		
2/13	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	44	5
2/25	3RD READING PASSED	43	6
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO FISH & GAME		
3/18	HEARING		
3/18	TABLED IN COMMITTEE		
3/22	TAKEN FROM TABLE		
3/23	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/06	2ND READING CONCUR MOTION FAILED	41	51
4/06	SEGREGATED FROM COMMITTEE OF WHOLE REPORT FOR PURPOSES OF AMENDMENT		
4/06	2ND READING CONCURRED AS AMENDED	54	38
4/06	ON MOTION RULES SUSPENDED TO ALLOW 3RD READING THIS DAY		
4/06	3RD READING CONCURRED	51	45
	RETURNED TO SENATE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	49	0
4/18	3RD READING AMENDMENTS CONCURRED	48	1
4/22	SIGNED BY PRESIDENT		
4/23	SIGNED BY SPEAKER		
4/23	TRANSMITTED TO GOVERNOR		
4/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 662	EFFECTIVE DATE: 4/26/91	

SB 363 INTRODUCED BY MANNING, ET AL.

REVISE SIMULCAST RACES AND EXOTIC WAGERING WITHHOLDING

2/12	INTRODUCED		
2/12	FISCAL NOTE REQUESTED		

HEARING ON SENATE BILL 362

Presentation and Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, House District 41, Big Timber, said this bill creates park rangers and a park ranger reserve to enforce laws relating to state parks. He reviewed the bill.

Proponents' Testimony:

K.L. Cool, FWP, supports this bill with submitted amendments. EXHIBIT 9

Susan Leonard, Montana Audubon Legislative Fund, supports this bill because there is a need for increased enforcement at state parks.

Opponents' Testimony:

Wayne Hirst, Montana State Parks Foundation, is opposed to this bill because campers, tents, vessels, and vehicles can be searched without a warrant. This is against our constitutional rights.

Questions From Committee Members:

REP. ELLISON asked about the funding source. Mr. Cool said it has been approved in the Governor's budget, the Appropriations Committee, and collection of park fees. The revenue source is secure. REP. FORRESTER asked what grade and step the park rangers would be. Jeff Tieberry said Grade 11.

Closing by Sponsor:

SEN GROSFIELD urged support of SB 362.

HEARING ON SENATE BILL 449

Presentation and Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, House District 41, Big Timber, said this bill would clarify that wardens of FWP have the authority to enforce statutes and rules relating to the regulation of outfitters and guides in the state. The Legislature intends that costs to FWP related to enforcement by wardens of the department be funded from the fees that are collected by the Board of Outfitters and transferred to the department.

Proponents' Testimony: none

Opponents' Testimony: none

Closing by Sponsor: SEN. GROSFIELD urged support of SB 449.

EXECUTIVE ACTION ON SENATE BILL 449

Motion/Vote: REP. SCOTT MOVED SB 449 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 362

Motion: REP. DAILY MOVED SB 362 BE CONCURRED IN.

Discussion:

REP. MEASURE said enforcement powers are expanded from present law. There are legal problems with this type of bill. The department already has game wardens who are trained in law enforcement. Why train more people to manage these parks and to collect fees? REP. FORRESTER said "search without a warrant" is an infringement on his rights. REP. DAILY said strike "without a warrant" and insert "with a warrant" throughout the bill. REP. MEASURE said that would help. Mr. Sternberg said those changes could be made.

Motion: REP. DAILY moved to amend SB 362.

Discussion:

REP. FORRESTER asked if park rangers will have the power to carry a gun. Mr. Cool said yes, but they [illegible] be carrying guns. If there is a dangerous situation, local law enforcement will be called. REP. FORRESTER asked what probable cause would be to search a vehicle or camper. Mr. Lane said if there were reports of problems. REP. MEASURE asked if this legislation is necessary just for the collection of fees. If a person will not show his park entrance permit, then the person is asked to leave. The only violation is failure to buy a permit. This makes no sense.

Motion/Vote: REP. MEASURE MADE A SUBSTITUTE MOTION THAT SB 362 BE TABLED. Motion carried 10 - 5. EXHIBIT 10

EXECUTIVE ACTION ON SENATE BILL 219

Motion: REP. DEBRUYCKER MOVED SB 219 BE NOT CONCURRED IN.

Discussion:

REP. DEBRUYCKER said sportsmen will lose land to hunt on if more game preserves are opened and sit side by side. Land needs to be kept open to hunting.

Vote: Motion carried 14 - 1.

Motion/Vote: CHAIRMAN ELLIOTT MADE A SUBSTITUTE MOTION THAT SB 219 BE TABLED. Motion carried 14 - 1.

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL DATE 3-18-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN			✓
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER			
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

CS05FISH&G.MAN

EXHIBIT
DATE 3-18-91
SB 362

SB 362
March 18, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks to House Fish and Game Committee

For most Americans, a park ranger is a person who protects parks and their users, helps out visitors if they get into trouble, and settles disputes when they occur. For years the Montana State Park System has operated without formally designating the position of park ranger. Yet many of our people have been expected to perform most of these functions without the necessary training and experience and without a legal framework to protect them. Currently, enforcement of park regulations is accomplished by park employees who are acting as de facto law enforcement officials as a result of their responsibilities.

As the years have passed, more and more of our citizens have recognized the value of the natural and cultural resources in our care. Not only are more people using state parks on an annual basis, but more people are damaging or stealing Montana's heritage. The Lewis and Clark Caverns State Park vandalism incident last year and losses of portions of historic buildings at Bannack State Park are good examples. Many of these resources are nonrenewable and irreplaceable.

Professionally trained peace officers are needed to deal with the social and domestic conflicts resulting from crowding in some of our state parks.

These peace officers would be called park rangers. Their primary responsibility would be preventive and educational law enforcement and customer relations, and they would not be armed. Their

jurisdiction would be limited to lands managed by our department and Title 23 (or Parks) enforcement. No authority would exceed that of existing game wardens.

Other provisions of the bill which are important to our program include:

1) Allowing rangers to fine registered owners of vehicles for non-fee compliance.

2) Designation of rangers as fire wardens to control wildfires if they occur in state parks.

3) Establishing the authority for a volunteer ranger program for qualified citizens.

We feel the provisions of SB 362 will make the state park system safer for Montanans, our visitors and our own employees. This program will also complement efforts to upgrade the Montana State Park System.

The amendments approved in the Senate were developed as a result of meetings with the Montana Sheriffs and Peace Officers Association. Two additional housekeeping amendments should be made. One adds park rangers to the list of peace officers in the section of law that prescribes training and educational requirements for peace officers. The other corrects an error in the reference to parks and outdoor recreation laws by specifying only Chapter 1 and 2 of title 23.

EXHIBIT 9 Pg 3 of 3
DATE 3-18-91
HB 362

AMENDMENT TO HB 362
THIRD READING (BLUE) COPY

1. Page 3, line 16.
Following: "in,"
Insert: "chapters 1 and 2 of"

2. Page 3, line 21.
Following: "and,"
Insert: "chapters 1 and 2 of"

3. Page 4, line 13.
Following: "against,"
Insert: "chapters 1 and 2 of"

4. Page 4, line 22.
Following: "in,"
Insert: "chapters 1 and of"

5. Page 9.
Following: line 20
Insert: "Section 10. Section 7-32-303, MCA, is amended to read:
7-32-303. Peace officer employment, education, and certification standards. (1) For the purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.
(2) . . ."
Renumber: Subsequent sections.

6. Page 13, line 14.
Following: "in"
Insert: "chapters 1 and 2 of"

10

EXHIBIT 10
DATE 3-18-91
SB 362

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-18-91 **BILL NO.** SB 362 **NUMBER** _____

MOTION: _____

Substitute Motion - Table SB 362

NAME	AYE	NO
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓	
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER	✓	
[illegible]	✓	
REP. [illegible]AN HANSON		✓
REP. VERNON KELLER		
REP. BEA MCCARTHY		
REP. [illegible]	✓	
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE		✓
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING		✓
REP. BILL STRIZICH		✓
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	10	5

Vote: Motion carried 11 - 5. EXHIBIT 4

EXECUTIVE ACTION ON SENATE BILL 362

Motion: REP. DEBRUYCKER MOVED TO RECONSIDER ACTION ON SB 362 AND TAKE FROM THE TABLE. Motion carried 12 - 3 with Reps. Scott, Phillips, and Measure voting no.

Motion: REP. DEBRUYCKER MOVED SB 362 BE CONCURRED IN.

Discussion:

Mr. Cool said the department supports this bill as amended. Mr. Sternberg explained the amendments. EXHIBIT 5

Motion/Vote: REP. DAILY moved to adopt amendments to SB 362. Motion carried unanimously.

Discussion:

REP. MEASURE is opposed to the bill. Wardens should be used to enforce parks. This is just a way for the department to increase salaries and employees. REP. PHILLIPS agreed and said eventually these rangers will be given guns. REP. MCCARTHY said there is another bill that will arm these officers.

Motion/Vote: REP. MEASURE MADE A SUBSTITUTE MOTION TO TABLE SB 362. Motion failed 7 - 9. EXHIBIT 6

Motion/Vote: REP. DAILY MOVED SB 362 BE CONCURRED IN AS AMENDED. Motion carried 9 - 7. EXHIBIT 7

EXECUTIVE ACTION ON HOUSE BILL 623 (CONTINUED)

Motion/Vote: REP. MEASURE MOVED HB 623 DO PASS. Motion carried 9 - 8. EXHIBIT 8

ADJOURNMENT

Adjournment: 2:30 p.m.

Jim Elliott, Chair

Ginger Puntenney, Secretary

JE/gp

FG032291.HM1

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

FISH & GAME COMMITTEE BILL NO. SB 362

DATE 3.18.91 SPONSOR(S) SENATOR GROSFIELD

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bob Lane	FWP	✓	
Susan Lenard	MT Audubon	X	
Wayne Hirst	Mt. State Parks Foundation		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL DATE 3-22-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN			✓
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE			✓
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

CS05FISH&G.MAN

3:30
3-22-
FDP

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 362 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Jim Elliott, Chairman

Carried by: Rep. Grady

And, that such amendments read:

1. Title, line 9.
Following: "DUTIES;"
Insert: "APPLYING PEACE OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS TO PARK RANGERS;"

2. Title, line 13.
Following: "SECTIONS"
Insert: "7-32-303,"

3. Page 2, line 21.
Following: line 20
Insert: "(3) It is unlawful and a misdemeanor punishable as provided in subsection (2) to refuse to exhibit for inspection any park permit, proof of age, or proof of residency upon request by a fish and game warden, park ranger, or peace officer."
Renumber: subsequent subsections

4. Page 3, line 16.
Following: "in"
Insert: "chapters 1 and 2 of"

5. Page 3, line 19 through page 4, line 9.
Strike: subsections (2)(a) through (2)(c) in their entirety
Renumber: subsequent subsections

6. Page 4, line 13.
Following: "against"
Insert: "chapters 1 and 2 of"

7. Page 4, line 22.
Following: "in"
Insert: "chapters 1 and 2 of"

8. Page 9, line 21.
Following: line 20
Insert: "Section 10. Section 7-32-303, MCA, is amended to read:
"7-32-303. Peace officer employment, education, and certification standards. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.

(2) No sheriff of a county, mayor of a city, board, commission, or other person authorized by law to appoint peace officers in this state shall appoint any person as a peace officer who does not meet the following qualifications plus any additional qualifying standards for employment promulgated by the board of crime control:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;

(d) not have been convicted of a crime for which he could have been imprisoned in a federal or state penitentiary;

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer;

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer; and

(i) possess or be eligible for a valid Montana driver's license.

(3) At the time of appointment a peace officer must take a formal oath of office.

(4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice thereof must be given to the board of crime control by the

employing authority.

(5) (a) Except as provided in subsections (b) and (c) of this subsection, it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course certified by the board of crime control. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(b) A peace officer who has been issued a basic certificate by the board of crime control and whose last date of employment as a peace officer was less than 36 months prior to the date of his present appointment as a peace officer is not required to fulfill the basic educational requirements of subsection (5)(a). If such peace officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of his present employment as a peace officer, he may satisfy his basic educational requirements as set forth in subsection (5)(c).

(c) A peace officer under the provisions of subsection (5)(b) or a peace officer who has completed a basic peace officer's course in another state and whose last date of employment as a peace officer was less than 60 months prior to the date of his present appointment as a peace officer may, within 1 year of his present employment or initial appointment as a peace officer within this state, satisfy his basic educational requirements by successfully passing a basic equivalency test administered by the Montana law enforcement academy and successfully completing a legal training course conducted by the academy. If the peace officer fails the basic equivalency test, he must complete the basic course within 120 days of the date of the test.

(6) The board of crime control may extend the 1-year time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances which make the extension necessary. Factors which the board may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of his immediate family, absence of reasonable access to the basic course or the legal training course, and an unreasonable shortage of personnel within the department. The board may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the

employment standards and qualifications and the educational requirements of this section and who has completed a 1-year probationary term of employment shall, upon application to the board of crime control, be issued a basic certificate by the board, certifying that the peace officer has met all the basic qualifying peace officer standards of this state.""

Renumber: subsequent sections

9. Page 13, line 14.
Following: "in"
Insert: "chapters 1 and 2 of"

DATE 3-22-91

SB 362

Amendments to SB 362

The following amendments address the concerns expressed by this Committee on Monday, March 18:

A. Amendment #3 deletes the sections of the bill which address stop and search provisions.

B. Amendment #1 deals with the requirement for park users to show their camping or day use permits. It has been reworded to be brought in line with similar requirements such as a request to show a hunting or fishing license.

C. Amendment #2 and amendments #4 through #7 are housekeeping amendments and do not change intent. Amendment #6 clarifies other sections of the bill in reference to obtaining technical assistance and training. The other proposed amendments correct an error in the reference to parks and outdoor recreation laws by limiting authority to only Chapters 1 and 2 of Title 23.

Ex 5 pg 26
3-22-91
SB 362

AMENDMENT TO SB 362
THIRD READING (BLUE) COPY

1. Page 2.
Following: line 20
Insert: "(3) It is unlawful and a misdemeanor punishable under subsection (2) to refuse to exhibit any park permit, proof of age, or proof of residency for inspection to a fish and game warden, park ranger, or peace officer requesting to see it."
Renumber: Subsequent subsections.

2. Page 3, line 16.
Following: "in,"
Insert: "chapters 1 and 2 of"

3. Page 3, line 19 through page 4, line 9.
Following: line 18
Strike: Subsection (a), (b) and (c) in their entirety
Renumber: Subsequent subsections.

4. Page 4, line 13.
Following: "against,"
Insert: "chapters 1 and 2 of"

5. Page 4, line 22.
Following: "in,"
Insert: "chapters 1 and 2 of"

6. Page 9.
Following: line 20
Insert: "Section 10. Section 7-32-303, MCA, is amended to read:
7-32-303. Peace officer employment, education, and certification standards. (1) For the purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.
(2) . . ."
Renumber: Subsequent sections.

7. Page 13, line 14.
Following: "in"
Insert: "chapters 1 and 2 of"

(5) EXHIBIT 5 pg 3 of 5
DATE 3-22-91
SB 362

Amendments to Senate Bill No. 362
Third Reading (Blue) Copy

Requested by FWP
For the Committee on F&G

Prepared by Doug Sternberg
March 21, 1991

1. Title, line 9.
Following: "DUTIES;"
Insert: "APPLYING PEACE OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS TO PARK RANGERS;"

2. Title, line 13.
Following: "SECTIONS"
Insert: "7-32-303,"

3. Page 2, line 21.
Following: line 20
Insert: "(3) It is unlawful and a misdemeanor punishable as provided in subsection (2) to refuse to exhibit for inspection any park permit, proof of age, or proof of residency upon request by a fish and game warden, park ranger, or peace officer."
Renumber: subsequent subsections

4. Page 3, line 16.
Following: "in"
Insert: "chapters 1 and 2 of"

5. Page 3, line 19 through page 4, line 9.
Strike: subsections (2)(a) through (2)(c) in their entirety
Renumber: subsequent subsections

6. Page 4, line 13.
Following: "against"
Insert: "chapters 1 and 2 of"

7. Page 4, line 22.
Following: "in"
Insert: "chapters 1 and 2 of"

8. Page 9, line 21.
Following: line 20
Insert: "**Section 10.** Section 7-32-303, MCA, is amended to read:
"**7-32-303. Peace officer employment, education, and certification standards.** (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.
(2) No sheriff of a county, mayor of a city, board, commission, or other person authorized by law to appoint peace officers in this state shall appoint any person as a

EJ 7965
3-22-91
SB 362

peace officer who does not meet the following qualifications plus any additional qualifying standards for employment promulgated by the board of crime control:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;

(d) not have been convicted of a crime for which he could have been imprisoned in a federal or state penitentiary;

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer;

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer; and

(i) possess or be eligible for a valid Montana driver's license.

(3) At the time of appointment a peace officer must take a formal oath of office.

(4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice thereof must be given to the board of crime control by the employing authority.

(5) (a) Except as provided in subsections (b) and (c) of this subsection, it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course certified by the board of crime control. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(b) A peace officer who has been issued a basic certificate by the board of crime control and whose last date of employment as a peace officer was less than 36 months prior to the date of his present appointment as a peace officer is not required to fulfill the basic educational requirements of subsection (5)(a). If such peace

officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of his present employment as a peace officer, he may satisfy his basic educational requirements as set forth in subsection (5)(c).

(c) A peace officer under the provisions of subsection (5)(b) or a peace officer who has completed a basic peace officer's course in another state and whose last date of employment as a peace officer was less than 60 months prior to the date of his present appointment as a peace officer may, within 1 year of his present employment or initial appointment as a peace officer within this state, satisfy his basic educational requirements by successfully passing a basic equivalency test administered by the Montana law enforcement academy and successfully completing a legal training course conducted by the academy. If the peace officer fails the basic equivalency test, he must complete the basic course within 120 days of the date of the test.

(6) The board of crime control may extend the 1-year time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances which make the extension necessary. Factors which the board may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of his immediate family, absence of reasonable access to the basic course or the legal training course, and an unreasonable shortage of personnel within the department. The board may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the employment standards and qualifications and the educational requirements of this section and who has completed a 1-year probationary term of employment shall, upon application to the board of crime control, be issued a basic certificate by the board, certifying that the peace officer has met all the basic qualifying peace officer standards of this state.""

Renumber: subsequent sections

9. Page 13, line 14.
Following: "in"
Insert: "chapters 1 and 2 of"

EXHIBIT 6
DATE 3-22-91
SB 362

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-22-91 BILL NO. SB 362 NUMBER

MOTION: DP To Table SB 362

NAME	AYE	NO
REP. JOHN JOHNSON, VICE-CHAIRMAN		✓
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON		✓
REP. GARY FORRESTER	✓	
REP. BOB GILBERT	✓	
REP. MARIAN HANSON		✓
REP. VERNON KELLER		✓
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE	✓	
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE		✓
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING		✓
REP. BILL STRIZICH		
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	7	9

EXHIBIT 7
DATE 3-22-91
SB 362

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-22-91 **BILL NO.** SB 362 **NUMBER** _____

MOTION: Be Concurred In as Amended

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT		✓
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS		✓
REP. TED SCHYE	✓	
REP. JOHN SCOTT		✓
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	9	7

Senator Franklin made the motion to approve SB 376 as amended. The bill did not pass with Senators Anderson, Grosfield, Pinsoneault, Rye, Swift and Chairman Williams voting no.

HEARING ON SB 362

Presentation and Opening Statement by Sponsor:

Senator Grosfield, Senate Dist. No. 41, explained that SB 362 would create park rangers and establish their powers and duties. He offered amendments to clarify the language of the bill. See Exhibit No. 15.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks, supports SB 362. See Exhibit No. 16.

Bill Flanner, Undersheriff for Lewis and Clark County Sheriff's Dept., supports the concept of park rangers. The county sheriff has worked with FWP in this particular area and believes the park ranger program, if used for preventive and education for users of the parks in the State of Montana, is an acceptable option.

Janet Ellis, Montana Audubon Council, supports SB 362.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pinsoneault asked Senator Grosfield how the rangers would be identified? Jeff Tieberry, Bureau Chief who handles law enforcement issues in the parks, said they would be dressed similarly to other park employees but the rangers will wear a silver badge.

Senator Rye asked Director Cool to describe domestic violence that occurs in State parks. Director Cool stated that there is a very high proportion of domestic violence that does occur in the park system. He complimented the sheriff's and local police officers for their assistance. The most dangerous law enforcement job in the U.S. is that of a national park ranger.

The FWP expects having a ranger in the area will curb potential violence but if it happens, the ranger may call the local sheriff for backup.

Senator Bianchi asked Jeff Tieberry what training the Department expected to give the rangers? He hopes that the Department will be able to work with the POST council to get them to certify a standard training course and set the curriculum for park rangers. The training may take place at the facility in Bozeman. The Department hopes to qualify four people as park rangers and later this spring have persons suitably qualified as park rangers.

Senator Bianchi asked the financial impact on the Department. Mr. Olson stated that no new revenue is needed to implement the bill as they have people who are already qualified to be park rangers. The appropriations subcommittee did pass a modification for some general fund revenue that would provide four additional seasonal people who would work part time during the summer.

Closing by Sponsor:

Senator Grosfield stated that the park rangers would be able to provide necessary law enforcement to the parks. There is a possibility that a park ranger reserve made up of volunteers would be implemented who would help the rangers and some training would be involved. This is a good concept and urges committee support.

EXECUTIVE ACTION ON SB 362

Amendments, Discussion, and Votes:

Senator Grosfield made the motion to approve the amendments to SB 362.

The amendments passed unanimously.

Recommendation and Vote:

Senator Franklin made the motion to pass SB 362 as amended.

Senate Bill 362 passed unanimously.

SENATE FISH AND GAME
EXHIBIT NO. 15
DATE 3/21/91
BILL NO. SB 362

AMENDMENT TO SB 362
INTRODUCED (WHITE) COPY

1. Page 2, line 24
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services available under 44-4-301"

2. Page 6, line 14
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services available under 44-4-301"

3. Page 7, line 3
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services available under 44-4-301"

4. Page 8, line 7
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services available under 44-4-301"

5. Page 9, line 1
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services available under 44-4-301"

6. Page 12, line 2
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services available under 44-4-301"

SENATE FISH AND GAME
EXHIBIT NO. 16
DATE 2/21
BILL NO. SB362

SB 362
February 21, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

For most Americans, a park ranger is a person who protects the parks and its users, helps out visitors if they get into trouble, and settles disputes when they occur. For years the Montana State Park System has operated without formally designating the position of park ranger. Yet many of our people have been expected to perform many of these functions, mostly without the necessary training and experience and without a legal framework to protect them. Currently, enforcement of park regulations is accomplished by park employees who are acting as de facto law enforcement officials as a result of their responsibilities.

As the years have passed, more and more of our citizens have recognized the value of the natural and cultural resources in our care. Not only are more people using the parks on an annual basis, but more people are damaging or stealing Montana's heritage. The Lewis and Clark Caverns State Park vandalism incident last year and losses of portions of historic buildings at Bannack State Park are good examples. Many of these resources are nonrenewable and irreplaceable.

As crowding occurs, there are more social and domestic conflicts in our campgrounds and picnic areas. To counter these threats and unfortunate trends, we need professionally trained peace officers in our parks.
These peace officers would be called park rangers and will have as their main emphasis preventive and educational law enforcement and customer relations, and as such will not be armed. Their jurisdiction would be limited to lands managed by this department and Title 23 enforcement. No authority would exceed that of existing wardens.

Other provisions of the bill which are important to our program include:

1) Allowing rangers to fine registered owners of vehicles for non-fee compliance.

2) Designation of rangers as fire wardens to control wildfires if they occur in state parks.

3) Establishing the authority for a volunteer ranger program for qualified citizens.

We feel the provisions of SB 362 will make the state park system safer for Montanans, our visitors and our own employees. This program will also complement efforts to upgrade the Montana State Park System.

For clarification, we support the amendments presented by the sponsor which relate to training and technical assistance. These amendments were developed as a result of meetings with a representative of the Montana Sheriffs and Peace Officers Association.

SENATE STANDING COMMITTEE REPORT

February 22, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 362 (first reading copy -- white), respectfully report that Senate Bill No. 362 be amended and as so amended do pass:

1. Page 2, line 24.
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

2. Page 6, line 14.
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

3. Page 7, line 3.
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

4. Page 8, line 7.
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

5. Page 9, line 1.
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

6. Page 12, line 2.
Following: "agency"
Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

Signed: _____
Bob Williams, Chairman

2-22-91
Amd. Coord.

2-22-1991
Sec. of Senate